



**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2178-2015

Date of Decision: 13.11.2025

Pardeep Singh

...Petitioner

Versus

Panjab University and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. K.K. Saini, Advocate and
Mr. Raj Kumar Sharma, Advocate for the petitioner.

Mr. Tushar Sharma, Advocate for respondent No.1.

Mr. Dheeraj Jain, Senior Advocate with
Mr. Sahil Garg, Advocate and
Mr. Kartikeya Gupta, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.10.2014 whereby respondent has rejected complaint of the petitioner.

2. Mr. Sahil Garg, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney. Registry is directed to tag the same at an appropriate place on the case file.

3. The petitioner preferred a complaint to respondent alleging that respondent No.2-Rajender Singh has been wrongly appointed as Senior Scientific Assistant/Scientific Officer (G-1). The petitioner claims that prescribed qualification for the aforesaid post was M.Sc. at least 2nd Class in Physics/Chemistry/Electronics with three years of experience or

B. Pharm., or B.Sc. (Med. Tech.) with four years of experience or B.Sc. with Physics and Chemistry with five years of experience or Diploma (3 years) in Instrumentation/Electronics from recognized institute with seven years of experience, or B.Tech. (Electronics/Electrical/Instrumentation) with four years of experience which respondent No.2 did not possess. He did not file application through proper channel. He was not possessing Masters Degree in Science from approved University and his experience certificate was post-dated.

4. Learned counsel representing the respondents state that respondent No.2 was possessing two Masters' Degrees in Science. The petitioner is not pointing out first degree whereas relying upon second degree. The respondent No.2 submitted Experience Certificate at the time of Interview and had applied through proper channel, thus, appointment of respondent No.2 was made in accordance with law. There was no violation of terms and conditions of Advertisement as well as UGC/University Rules.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it is evident that respondent No.2 is working with University since 2012-2013. A period of more than a decade has passed away. The respondent in its reply has categorically supported its decision of appointment of respondent No.2. The respondent-University has pointed out that respondent No.2 was possessing requisite degree, experience certificate and applied through proper channel. The respondent is also claiming that matter was

thoroughly examined by Standing Committee of the University and no infirmity was found.

7. A five Judge Bench of Hon'ble Supreme Court in ***Sivanandan C.T. and Others v. High Court of Kerala and Others, 2023 SCC OnLine SC 994*** though held that appointment of judicial officers by Kerala High Court was bad in law, however, did not disturb appointment on the ground that already appointed officers have already served for nearly six years and gained experience. It would deprive the State and its citizens the benefit of experienced judicial officers. The relevant extracts of the judgment read as:

“60. The following are our conclusions in view of the above discussions:

(i) The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;

(ii) An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;

(iii) A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;

(iv) The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.

(v) The High Court's decision to apply the minimum cut-off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.

(vi) In terms of relief, we hold that it would be contrary to the public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were all qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

8. In the case in hand, a period of more than a decade from date of joining of private respondent has elapsed. He must have gained rich experience. This would neither be in the interest of public nor official respondents if his appointment is disturbed. The present case is squarely covered by afore-cited judgment of Hon’ble Supreme Court.

9. In the wake of above discussion & findings and judgment of Hon’ble Supreme Court, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly **dismissed**.

(JAGMOHAN BANSAL)
JUDGE

13.11.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No